

In addition, the vacancy Judge Miller would fill has been vacant since December 28, 1994—more than 26 months. Judge Gordon Thompson took senior status on December 28, 1994.

This vacancy has only made the workload on the southern district more intense.

So I urge my colleagues to address the workload problem by confirming this eminently qualified candidate, Judge Jeffrey Miller.

I thank the Chair, and I yield the floor.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. LOTT. Mr. President, we will have just some response from the chairman in a moment. But let me proceed to the next unanimous-consent request.

## CHEMICAL WEAPONS CONVENTION IMPLEMENTATION ACT OF 1997

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 60, S. 610.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 610) to implement the obligations of the United States under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, known as "the Chemical Weapons Convention" and opened for signature and signed by the United States on January 13, 1993 which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Chemical Weapons Convention Implementation Act of 1997".

### SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

#### TITLE I—GENERAL PROVISIONS

- Sec. 101. Designation of United States National Authority.
- Sec. 102. No abridgement of constitutional rights.
- Sec. 103. Civil liability of the United States.

#### TITLE II—PENALTIES FOR UNLAWFUL ACTIVITIES SUBJECT TO THE JURISDICTION OF THE UNITED STATES

##### Subtitle A—Criminal and Civil Penalties

- Sec. 201. Criminal and civil provisions.
- Subtitle B—Revocations of Export Privileges
- Sec. 211. Revocations of export privileges.

#### TITLE III—INSPECTIONS

- Sec. 301. Definitions in the title.
- Sec. 302. Facility agreements.
- Sec. 303. Authority to conduct inspections.
- Sec. 304. Procedures for inspections.
- Sec. 305. Warrants.
- Sec. 306. Prohibited acts relating to inspections.
- Sec. 307. National security exception.
- Sec. 308. Protection of constitutional rights of contractors.

Sec. 309. Annual report on inspections.

Sec. 310. United States assistance in inspections at private facilities.

#### TITLE IV—REPORTS

Sec. 401. Reports required by the United States National Authority.

Sec. 402. Prohibition relating to low concentrations of schedule 2 and 3 chemicals.

Sec. 403. Prohibition relating to unscheduled discrete organic chemicals and co-incident byproducts in waste streams.

Sec. 404. Confidentiality of information.

Sec. 405. Recordkeeping violations.

#### TITLE V—ENFORCEMENT

Sec. 501. Penalties.

Sec. 502. Specific enforcement.

Sec. 503. Expedited judicial review.

#### TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Repeal.

Sec. 602. Prohibition.

Sec. 603. Bankruptcy actions.

### SEC. 3. DEFINITIONS.

In this Act:

(1) **CHEMICAL WEAPON.**—The term "chemical weapon" means the following, together or separately:

(A) A toxic chemical and its precursors, except where intended for a purpose not prohibited under this Act as long as the type and quantity is consistent with such a purpose.

(B) A munition or device, specifically designed to cause death or other harm through toxic properties of those toxic chemicals specified in subparagraph (A) which would be released as a result of the employment of such munition or device.

(C) Any equipment specifically designed for use directly in connection with the employment of munitions or devices specified in subparagraph (B).

(2) **CHEMICAL WEAPONS CONVENTION; CONVENTION.**—The terms "Chemical Weapons Convention" and "Convention" mean the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(3) **KEY COMPONENT OF A BINARY OR MULTICOMPONENT CHEMICAL SYSTEM.**—The term "key component of a binary or multicomponent chemical system" means the precursor which plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multicomponent system.

(4) **NATIONAL OF THE UNITED STATES.**—The term "national of the United States" has the same meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(5) **ORGANIZATION.**—The term "Organization" means the Organization for the Prohibition of Chemical Weapons.

(6) **PERSON.**—The term "person", except as otherwise provided, means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any agency, instrumentality or political subdivision of any such government or nation, or other entity located in the United States.

(7) **PRECURSOR.**—

(A) **IN GENERAL.**—The term "precursor" means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. The term includes any key component of a binary or multicomponent chemical system.

(B) **LIST OF PRECURSORS.**—Precursors which have been identified for the application of verification measures under Article VI of the Convention are listed in schedules contained in

the Annex on Chemicals of the Chemical Weapons Convention.

(8) **PURPOSES NOT PROHIBITED BY THIS ACT.**—The term "purposes not prohibited by this Act" means the following:

(A) **PEACEFUL PURPOSES.**—Any peaceful purpose related to an industrial, agricultural, research, medical, or pharmaceutical activity or other activity.

(B) **PROTECTIVE PURPOSES.**—Any purpose directly related to protection against toxic chemicals and to protection against chemical weapons.

(C) **UNRELATED MILITARY PURPOSES.**—Any military purpose of the United States that is not connected with the use of a chemical weapon and that is not dependent on the use of the toxic or poisonous properties of the chemical weapon to cause death or other harm.

(D) **LAW ENFORCEMENT PURPOSES.**—Any law enforcement purpose, including any domestic riot control purpose and including imposition of capital punishment.

(9) **TECHNICAL SECRETARIAT.**—The term "Technical Secretariat" means the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons established by the Chemical Weapons Convention.

(10) **SCHEDULE 1 CHEMICAL AGENT.**—The term "Schedule 1 chemical agent" means any of the following, together or separately:

(A) O-Alkyl ( $\leq C_{10}$ , incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates (e.g. Sarin: O-Isopropyl

methylphosphonofluoridate Soman: O-Pinacolyl methylphosphonofluoridate).

(B) O-Alkyl ( $\leq C_{10}$ , incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-

phosphoramidocyanidates (e.g. Tabun: O-Ethyl N,N-dimethyl

phosphoramidocyanidate).

(C) O-Alkyl (H or  $\leq C_{10}$ , incl. cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl

(Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts (e.g. VX: O-Ethyl S-2-diisopropylaminoethyl

methyl phosphono- thiolate).

(D) Sulfur mustards: 2-Chloroethylchloromethylsulfide

Mustard gas: Bis(2-chloroethyl)sulfide Bis(2-chloroethylthio)methane

Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane

1,3-Bis(2-chloroethylthio)-n-propane

1,4-Bis(2-chloroethylthio)-n-butane

1,5-Bis(2-chloroethylthio)-n-pentane

Bis(2-chloroethylthiomethyl)ether

O-Mustard: Bis(2-chloroethylthioethyl)ether.

(E) Lewisites:

Lewisite 1: 2-Chlorovinylchloroarsine

Lewisite 2: Bis(2-chlorovinyl)chloroarsine

Lewisite 3: Tris (2-chlorovinyl)arsine.

(F) Nitrogen mustards:

HN1: Bis(2-chloroethyl)ethylamine

HN2: Bis(2-chloroethyl)methylamine

HN3: Tris(2-chloroethyl)amine.

(G) Saxitoxin.

(H) Ricin.

(I) Alkyl (Me, Et, n-Pr or i-Pr)

phosphonyldifluorides

e.g. DF: Methylphosphonyldifluoride.

(J) O-Alkyl (H or  $\leq C_{10}$ , incl. cycloalkyl)O-2-

dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl

(Me, Et, n-Pr or i-Pr) phosphonites and cor-

responding alkylated or protonated salts

e.g. QL: O-Ethyl O-2-diisopropyl- aminoethyl

methylphosphonite.

(K) Chlorosarin: O-Isopropyl methyl-

phosphonochloridate.

(L) Chlorosoman: O-Pinacolyl

methylphosphonochloridate.

(11) **SCHEDULE 2 CHEMICAL AGENT.**—The term "Schedule 2 chemical agent" means the following, together or separately:

(A) Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl]